



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET S.W.  
WASHINGTON D.C. 20554

News media information 202-418-0500

Fax-On-Demand 202-418-2830; Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)

TTY (202) 418-2555

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Friday July 29, 2005

## ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

### Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

By the Chief, Policy Division, International Bureau:

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this public notice.

This public notice serves as each cable landing licensee's Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

The Commission most recently amended its rules applicable to submarine cable landing licenses in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), 67 Fed. Reg. 1615 (Jan. 14, 2002). An updated version of sections 1.767 and 1.768 of the rules is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-02-598A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-598A1.pdf) for a March 13, 2002 Public Notice; [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-01-332A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf) for the December 14, 2001 Report and Order.

Transfer of Control

Grant of Authority

Date of Action: 07/28/2005

**Current Licensee:** CNCS Inc.

**FROM:** Call-Net Enterprises Inc.

**TO:** Rogers Communications, Inc.

#### TRANSFER OF CONTROL

Action Taken: Grant of authority to transfer control of the 25 percent ownership and voting interest held by CNCS Inc. ("CNCS"), in the non-common carrier submarine cable landing license for the AmeriCan-1 Cable System (SCL-LIC-19980123-00002 (SCL-98-001)), which lands in Seattle, Washington and Victoria, British Columbia, from its parent Call-Net Enterprises Inc. ("Call-Net"), to Rogers Communications Inc. ("Rogers").

Conditions and Requirements: See Fonorola Fiber Development Inc., Ledcor Industries, Inc., File No. SCL-98-001, Cable Landing License, 13 FCC Rcd 15663 (TD/IB 1998) modified 14 FCCR 1961 (TD/IB 1998), modified 14 FCC Rcd 4507 (TD/IB 1999), modified 15 FCC Rcd 3057 (TD/IB 2000) (AmeriCan-1 License Orders). Licensee shall comply with the requirements of Section 1.768 (notifications and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier), 47 C.F.R. § 1.768.

Licensee Information: CNCS, a licensee of the AmeriCan-1 Cable System, is wholly owned by Call-Net, a Canadian corporation. Call-Net and CNCS are affiliated with Sprint Canada, a wholly-owned subsidiary of Call-Net. Sprint Canada provides telecommunication services in Canada. Rogers, also a Canadian corporation, is affiliated with its wholly-owned subsidiaries, Rogers Wireless, Inc., a foreign carrier in Canada and Rogers Cable, Inc., a service provider in Canada.

According to the application, Call-Net has entered into an agreement with Rogers under which Rogers, and a subsidiary of Rogers, Call-Net Acquisition Inc., subject to the satisfaction of certain conditions, will acquire all of the shares of Call-Net. Applicants state that as a result, CNCS will become an indirect, wholly-owned subsidiary of Rogers. Rogers, like Call-Net, is a Canadian corporation.

Interlocking Directorates: CSNS certifies that it has no interlocking directorates with a foreign carrier.

Regulatory Status of Cable: The AmeriCan-1 Cable System will continue to be operated on a non-common carrier basis. See AmeriCan-1 License Orders, *supra*.

Cable Design and Capacity: See Fonorola Fiber Development Inc., Ledcor Industries, Inc., File No. SCL-98-001, Cable Landing License, 13 FCC Rcd 15663 (TD/IB 1998) modified 14 FCCR 1961 (TD/IB 1998).

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